

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION


Owen Harty,)	C/A No. 3:11-496-MBS-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Dutch Square Limited Liability Company, <i>an</i>)	
<i>Ohio Limited Liability Company,</i>)	
)	
Defendant.)	
)	

The plaintiff, Owen Harty, filed this action against Defendant Dutch Square Limited Liability Company alleging violations pursuant to Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181 et seq. This matter is before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) DSC for pretrial proceedings.

Pursuant to Federal Rule of Civil Procedure 4(m), service of process must be effected on the defendant within 120 days of filing the Complaint. Review of the docket appears to disclose that the defendant was timely served but has failed to file a responsive pleading in accordance with Rule 12. (ECF No. 7); Fed. R. Civ. P. 12. Accordingly, on August 25, 2011, the Clerk of Court entered default as to the defendant. (ECF No. 11); Fed. R. Civ. P. 55(a). To date, the plaintiff has not taken any further action in this matter. Therefore, it is hereby

ORDERED that the plaintiff, within fourteen (14) days from the date of this Order, shall file a properly supported motion for default judgment or otherwise indicate how he would like to proceed. If the plaintiff fails to file the motion or to take other action to advance this matter, the court shall recommend that this action be dismissed.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "Paige J. Gossett", with a horizontal line underneath.

Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

October 26, 2011
Columbia, South Carolina